

The Helena Independent.

VOL. XXX.—NO. 280.

HELENA, MONTANA, TUESDAY MORNING, OCTOBER 29, 1889.

PRICE, FIVE CENTS

ONLY WAITING FOR R. B. HARRIS.

The Time of Montana's Admission to Statehood Left With the President's Son.

HARRIS.

One-Price, Square-Dealing,

CLOTHIER,

ST. LOUIS BLOCK,

MAIN STREET.

It is not often you can hear of a dealer in the Ready Made article of Clothing issue a Challenge to the Custom Tailors to equal with their work the class of goods he is selling, but here is an occasion where you can see it.

Take a stroll about our city, examine the Suits you see your friends have worked a month to pay for; look at the specimens displayed at the tailor shops, and then come down to our store; and if we can't discount them in STYLE, in FIT, in APPEARANCE, in TEXTURE, and in PRICE, we will acknowledge the corn, cancel our advertising contracts and retire from business.

You foolish men! who have been paying \$50, \$60 and \$70 for a Suit of Clothes, some and see what we are offering for anywhere from \$22 to \$35, and we will guarantee you will regret your reckless Waste of Wealth, and hereafter buy your Clothing from us.

MILLER HATS.

But another point that will interest you is our cut on

FALL OVERCOATS,

the finest at \$18. Take your pick for \$18! Those Silk Lined, Wide Wale, formerly \$30, now \$18. Those Beautiful Kerseys sold for \$25, now \$18. Those Silk Faced Diagonals, worth \$28, now \$18. There ain't many of them, so to be sure of securing your choice come soon before they are all gone.

STYLISH NECKWEAR.

To our numerous Lady Patrons, we would say: Our Department of Clothing for Boys and Children is more worthy of their attention than ever. Complete in every detail, lines numerous and varied, we feel that we have outdone all former efforts in the display we make this year.

The nobby little Jersey Suits are the admiration of all that see them, while the Plush Trimmed Overcoats—size 4 to 10—have induced purchases from ladies which had never before failed to send east when anything was needed for the little fellows. Fully 1,000 pairs of old pairs for the "little shavers," and Flannel Waists from \$1 upwards.

MILLER HATS.

HARRIS

The One-Price Clothier

ST. LOUIS BLOCK,

MAIN STREET.

THE CROVIN TRIAL.

Many of Mrs. Cronin and Other Witnesses Yesterday.

Oct. 28.—At the opening of the Cronin trial this morning Napier Moreland, employed in Dinan's livery stable, testified to the facts of the hiring of the white horse as testified to by Dinan Saturday. He said when the horse came back at 9:30 he was puffing and gave evidence of having been hard driven. The buggy was covered with sand and mud.

Mrs. Cronin, at whose house Dr. Cronin last lived, was the next witness. She related with great length and minuteness the story of how Dr. Cronin was called for by a man who ostensibly wanted him to go and attend one of Sullivan's men, who had been hurt. This was on the evening of the murder. She identified the horse and buggy in which he was taken away as a white horse and a top buggy, which was taken from Dinan's livery stable on an order from the detective, Dan Conklin, one of the prisoners. She also described an interview she had with O'Sullivan on the following day in the presence of a Pinkerton man. O'Sullivan, she said, confessed that he knew nothing about the matter and didn't send for Cronin. She was cross-examined at great length.

Mrs. Cronin's cross-examination brought out the fact that within a few days after the disappearance of Cronin, Police Capt. Shaack brought Dinan's white horse and a buggy to her house for identification, and that she had failed to identify the animal. On the 25th of May, when the doctor was brought by a reporter, she identified it. Mrs. Cronin accounted for this by saying the circumstances of weather and light were different at these times. The reporter presented the animal under conditions similar to those when the doctor was driven away. The cross-examination lasted until late in the afternoon.

Chas. Beck, a reporter, who drove the horse to Conklin's house when Mrs. Cronin identified it, merely testified to this effect. Sarah McCreary, who was in Dr. Cronin's reception room when a mysterious man came for him, gave a description of the individual talking closely with that given by Mrs. Cronin. Dr. Cronin's brother, from Arkansas, testified briefly to having identified the Lake View corpse as that of his brother. Then Conklin, the saloon keeper, with whom Cronin resided, was recalled and testified to having started out the first morning of Cronin's absence to search for the doctor. At O'Sullivan's house the ice man was seen and denied having sent for Cronin, or that any of his men had been hurt.

Grus Klahr, the tinmith who soldered the mysterious tin box for Martin Burke, the Cronin suspect, was set upon at a late hour Saturday night and seriously beaten by an unknown person. This is the second time Klahr has been assaulted since his connection with the case, although the first time the young fellow who was arrested for beating him claimed they did so because of insulting language. Klahr asserts he was not drunk last night.

Druggist Buntingham, whose departure for Europe followed the disappearance of Dr. Cronin and elicited considerable comment, has returned. He reached Chicago Wednesday night and in an interview says he came back two months sooner than he intended, his object being to clear himself of any suspicion. He denies his departure had any connection with the Cronin case, and says his movements in Europe are open to investigation.

THE SALE OF THE MILLS.

The Minneapolis Flouring Interests to Go to the English.

MINNEAPOLIS, Oct. 28.—The recent report that the C. C. Washburn mills had been sold, is followed to-night by the announcement of the sale of the Pillsbury mills, and also that the sale of the Washburn mills is about to be consummated. For the first time in connection with these deals the price is given as regards the Pillsbury interests. It is that the option on the Pillsbury system of mills and elevators calls for \$3,500,000. The purchaser is the English syndicate heretofore mentioned, and the sale is on the same plan as outlined in these dispatches some time since. The Pillsbury mill will retain an interest in the new company.

When seen by a reporter of the Associated Press late to-night and asked regarding the sale of the mills, Pillsbury handed him the following typewritten statement, in addition to which he would say nothing: "If the property is sold it will be to a joint stock company, in which we shall retain a very large interest, and we shall have to agree to continue in the management of the same. The title if made will be made to a company organized in New York or some other eastern city, and as far as the public are concerned, I cannot see how it will affect them one way or the other."

THE SUFFERING DAKOTANS.

Secretary Proctor Appealed to Minnesota's Measures of Relief.

WASHINGTON, Oct. 28.—Representative Hansbrough, North Dakota's new congressman, called upon Secretary Proctor to-day in the interest of the inhabitants of Ramsey county, that state. Crops have been bad the past two years and they are in a destitute condition. Winter is approaching and they are not able to purchase fuel. Hansbrough has asked Secretary Proctor to permit the destitute settlers to cut firewood from a timber tract on the Devil's Lake reservation, Fort Totten. The secretary not being certain in his authority in the premise, told Hansbrough he would give his answer to-morrow.

MINNEAPOLIS, Oct. 28.—The Board of Trade this morning appointed a special committee to serve through the winter, whose duty it will be to collect and distribution of several counties in North and South Dakota. Additional reports have been received here concerning the distressing condition of things, and it is said at least 1,000 families in South Dakota are in a state of destitution. The county commissioners of South Dakota have authorized the purchase of coal, but can do no more.

THE DEATH RECORD.

William Henderson, one of the oldest and best known theatrical managers in the country, died Sunday Stockbridge, Mass., of pneumonia. He was 65 years old.

Mrs. Charles Crocker, wife of the late Charles Crocker of the Southern Pacific railroad, died suddenly Sunday afternoon of apoplexy.

Guy A. Brown, of Lincoln, Neb., state librarian and reporter for the supreme court, died at his home in that city on Sunday. He was a prominent man in the state and did much to advance the interests of the Protestant Episcopal church in the west.

FIGHTING FOR DELAY.

Republican Tactics in the Contest Case Tending Solely to Keep Back Statehood.

Technical Objections Urged to the Mandamus Writ, But an Amendment Allowed.

Another Motion for Delay Which Will be Argued by Both Sides in Court This Morning.

BUTTE, Oct. 28.—[Special.]—The first day of the great legal battle has come and gone, and it has left the matter exactly where it was, the whole day having been wasted on a mere legal quibble raised by the republican side of the house. The whole effort of the republican counsel is directed toward producing delay, in the hope that something will occur to put a stop to the proceedings; either that President Harrison will proclaim the territory a state, or failing that, that Judge DeWolfe will be removed by the president. The reluctance with which they approached the argument is proof conclusive of this fact. Judge DeWolfe acted with the greatest fairness.

Twice during the day he stated that, realizing the magnitude of the case and the importance of the issues involved, he was prepared to give up his entire time to the case and grant everything in reason to the attorneys in the way of allowing them time to prepare their answers. It was noticeable, however, that his disposition was to brook no unnecessary delay, as was shown when Mr. Campbell asked for twenty-four hours in which to get ready to reply to his own motion. The law of precedent in the district court gives the opposing side the right to twenty-four hours' time in preparing an answer to a motion. This Judge McConnell cheerfully waived, and wished to proceed to argument at once.

Mr. Campbell's only excuse was that the service of another writ on the board of canvassers to advance the date of the legislative session, embarrassed him in the argument of his motion. With great indulgence, but with evident reluctance, Judge DeWolfe consented to adjourn court until 10 o'clock to-morrow morning.

It is very apparent that he intends to try the case in an entirely unpartisan manner, and there is no one in Butte to-night who questions his fairness. An indication of the way in which the republicans hope to secure still further delay is found in the filing of an exception by Mr. Campbell to the ruling of the afternoon, indicating that an appeal will be made and an effort put forth to stay proceedings in this manner.

THE CASE IN COURT.

The court house clock was striking 10 this morning when Judge DeWolfe entered the district court room and asked Sheriff Thomas to announce the opening of the court. A session of a court has never been inaugurated in Montana in the presence of a more brilliant display of legal talent. G. W. Stapleton, Judge McConnell, E. W. Toole, W. Y. Pemberton, John F. Forbis, Sam Word, J. J. McAllister, and M. Kirkpatrick, distinguished democratic members of the bar, were present, while Thompson Campbell, Judge Hiram Knowles, George Haldorn and F. E. McBride were present from the republican side of the house. W. A. Clark and S. T. Hanser, A. J. Seligman, T. C. Power and Lee Mantle were among the prominent politicians present, while scarcely a corner of Montana was left unrepresented. At the morning session Judge McConnell and Mr. Kirkpatrick only appeared for the plaintiffs in the case, while Thompson Campbell and Judge Knowles appeared for the defense. In the afternoon session the democratic side was strengthened by the addition of Warren Toole.

The court room was crowded, every available inch of space being occupied. The court stated that the grand jury venire was not returnable until next Monday morning, and asked if there were any motions. Mr. Campbell took the floor and stated that he had a motion to file in the case entitled the People of the Territory of Montana vs. J. J. McAllister vs. W. M. Jack, W. E. Hall and Caleb E. Irvine, the board of canvassers for Silver Bow county, at the election held October 1. He supposed the court was familiar with the prior proceedings, and would not go into detail. The court preferred that he should be minute, and accordingly Mr. Campbell read the petition on which the writ of mandate issued, and then the writ itself. He then asked leave to file his motion without the usual twenty-four hours notice, and Judge McConnell consented. Mr. Campbell then read his motion, which demanded that the writ be discharged as it was really no writ, in that it did not issue in the name of any territory, government or sovereignty known to the law. His point, divested of verbiage, was that the writ should have read: "The territory of Montana, ex rel, etc." instead of "The people of the territory of Montana, ex rel, etc."

The point was the merest kind of a technicality. The writ of mandate was a proceeding of very ancient origin; it was a very high prerogative. In old English law it was issued only in the name of the sovereign, and in this country custom had worked differently, and a private citizen could petition for a writ of mandate. In this case McAllister was found appealing for a writ of mandate on behalf of the people of Montana. The court could not issue a writ except in the name of a constituted government. McAllister applied, not as a candidate in a private capacity, but as all candidates. The Montana statutes required that such an action be begun in the name of the territory of Montana, and not in the name of the people of Montana. Mr. Campbell then read authorities in support of his position, and asked that the court discharge the writ.

Mr. McConnell said he did not know whether the court wished to hear any reply to that or not. He never knew of a writ of mandate issued in any other form than in the name of the people. If there should be anything in the point raised by the defense, he would move to amend the writ by striking out the word people. Mr. McConnell referred to the celebrated Florida case of a similar nature, and said the writ then had been issued in exactly the same manner.

Judge Knowles responded at some length, quoting New York, California and Nevada cases of a somewhat similar nature. Judge McConnell read from a number of legal blanks which he picked up in the court room, in every one of which the same expression was employed. "The people of the territory of Montana," as was used in the writ.

Judge Knowles stated that the organic act called the territory of Montana a temporary form of government; therefore sovereignty was in the territory and not in the people of the territory.

This quibbling occupied an hour and a half, until 1:30 o'clock, when Judge DeWolfe stated that in the absence of all legislation on the point in question, and in the presence of that organic act as quoted by Judge Knowles, he was of the opinion that the writ should read as claimed by the attorneys for the defense. He said that he fully realized the magnitude and importance of the case. He had plenty of time to hear and would give the counsel all the time they desired to consult the authorities they might desire in regard to the question at issue. Though the matter was a technicality, yet the court was obliged to take cognizance of technicalities. The writ had been directly attacked, and he was of the opinion that the attack was well founded.

Mr. Kirkpatrick said the plaintiffs did not desire to resist the motion further, but would ask leave to amend the title by striking out "the people of the territory of Montana," and reading from the statute stating the right of the court to amend any proceeding in the interest of justice where error was shown. The statute clearly covered the point, and he did not think it would be resisted. Mr. Campbell stated that he did wish to resist that motion. The change desired virtually substituted another party in the action, and that could not be done by amendment.

At this point the court adjourned until 2 o'clock, giving counsel an opportunity to produce authorities in support of their positions.

THE DECISION.

The temporary and seeming advantage secured to the republicans in the decision of the court sustaining the motion to dismiss the writ of mandate in the McAllister case on an extreme technicality inspired them with confidence in the belief that delay would be secured. When the decision of the court was rendered an application was made to amend so as to make it conform with the decision of the court, and for two hours during the afternoon session arguments in support of and against the power of the court to permit this were indulged in.

The republicans know very well that their only chance is, and it might be truly designated a desperate one, to delay proceedings, and when the decision was unfavorable to them upon the motion to amend the bright hopes which began to assume a tangible shape disappeared, and melancholy seemed to see upon their faces.

In permitting the amendment, Judge DeWolfe said: "This morning I gave as a reason for my opinion, that neither in the organic act nor in any statute in this territory were there any words which gave the people of the territory of Montana designated as a political entity, that had the right to go into court, and inasmuch as the territory of Montana was created by the organic act, it seemed to me that the authorities which have been cited bearing upon the question of amending this writ. These cases which have been cited by Mr. Campbell are not analogous to the one at bar. The principles which are therein enunciated cannot be controverted; but they are not predicated upon facts such as exist here. The people of the territory, and the territory of Montana substantially express the same idea and the same thing, and in this proceeding the purpose is to invoke sovereign power, whether it is vested in the people of the territory of Montana or in the territory of Montana. From the fact that the territory of Montana is designated in the organic act as a political entity, and the people of the territory of Montana are now here mentioned as a political entity, I have held that the writ should run as I have decided, but in substance in reality, they are precisely the same thing, considering the purposes sought to be accomplished by the proceedings; and I think, under the liberal provisions of our code in regard to amendments, the amendment should be allowed. The intention is clearly manifest that it is a proceeding intended to be instituted in the name of that political entity which was formed and colored under the organic act, to wit, the territory of Montana."

Evidently this was expected, for scarcely the decision made when Mr. Campbell made another motion which read as follows: "Now come the defendants by their attorneys, Hiram Knowles and Thompson Campbell, and appearing for the purpose of this motion only, move the court to quash and set aside and discharge the amended writ of mandate being on the following grounds, to wit: First, that the said writ has no jurisdiction of said defendant board of said defendants, or either of them, on the following grounds, to wit: First, that the said writ is made returnable at an earlier day than return thereof authorized by law; second, that there are two other writs other than the one now in force, in a proceeding between the same parties, commanding the same act to be done and performed by the same defendants as herein, and returnable another day, to wit, Nov. 7, A. D. 1889, before the same court, the same judge and at the same place; and forthwith, that the judge of said court was, at the date of the issuance of said writ herein by him, wholly disqualified from acting as such judge and issuing said writ, because of his interest in the result of the proceeding to enforce the same; fourth, that the judge of said court is now wholly disqualified, sitting as such judge in the hearing hereof, or of making any further order herein, by reason of his interest in the result of the proceedings herein."

The reading of the motion was supplemented by a vigorous appeal for time. Some philosopher has stated that time is the essence of all things; surely its importance in this election contest is not underestimated by the republicans. Mr. Campbell wanted time, and that, too, in the light of the fact that he had six days in which to prepare his return on this writ. Upon his application time was granted, and the court adjourned until 10 o'clock to-morrow morning.

In this connection the question might be pertinently put, On what logical foundation do the republicans predicate the charge that the democrats are obstructionists, and that they are delaying the admission of Montana into statehood? The delay, if any, has been and is now occasioned by the republicans. Thinking that the future may possibly disclose something promising, brought about by circumvention and fraud, they are determined at all hazards to delay proceedings. Their expectations are visionary, however, and unless something unforeseen happens, the next few days will see the ambitions of a few republican senatorial aspirants buried forever in the grave of oblivion.

SLAPPED TARNSEY'S FACE.

The Mayor of Kansas City Resents a Congressman's Language.

KANSAS CITY, Oct. 28.—Mayor Davenport this afternoon slapped Congressman Tarnsey in the face and narrowly escaped being shot. It was all on account of the entertainment of the All-American tourists. The mayor had vetoed, on the ground of unconstitutional, an ordinance passed by the city council appropriating \$1,000 for their entertainment. The council passed it over his veto again, and then the mayor ordered the city treasurer not to recognize the drafts upon the treasury for that purpose. At a meeting of the committee at the Commercial club this afternoon Congressman Tarnsey referred to the mayor's action in uncompromising terms. Mayor Davenport replied that if he could help it not a cent of the city's money would be used illegally, but he would contribute from his pocket as much as Tarnsey or any other man for the entertainment. Tarnsey replied "I do not care to resort to such a posthumous measure." Davenport asked the congressman to repeat his remarks. Tarnsey complied, but the words were no sooner out of his mouth than the mayor dealt him a resounding slap full in the face. Tarnsey reached into his hip pocket for a revolver, but friends prevented him from using the weapon.

ARTHUR THE MAN.

The Old Chief of the Engineers Re-elected by a Rousing Majority.

DENVER, Col., Oct. 28.—On assembling at 9 o'clock this morning the convention of Locomotive Engineers proceeded to put in nomination candidates for grand chief. The Ohio delegation named P. M. Arthur. This was followed by the nomination of Vroman, of North Platte, Neb., Vedder, of Sedalia, Mo., and Bellows, of Mississippi. An informal ballot was called for and the result showed Arthur had the convention almost unanimously. This great change in the feeling of the delegates is supposed to be the result of the recent trial and sentence of Grand Officer Cavenor, of Chicago. The first formal ballot decided the question by the following vote: Arthur, 313; Vroman, 101; Vedder, 1; Bellows, 1. The convention adjourned at noon.

On reassembling the convention proceeded to the election of a third grand engineer. The result was not made public until to-night, when Chief Arthur stated that Jos. Sprague, of Canada, the present incumbent, was re-elected by a unanimous vote. Nominations were then made for second grand assistant engineer, Beltrick, of Pennsylvania, and Hayes, of California, were the favorite candidates, but after six ballots had been taken without any result the convention adjourned till tomorrow.

During the afternoon, the convention appointed a committee to call upon John J. Harrigan, of Chicago, vice grand master of the International Brotherhood of Locomotive Firemen, who is in the city attending a called meeting, and request him to address the brotherhood. Mr. Harrigan appeared before the convention just before adjournment, and delivered an interesting address in which he heartily endorsed the question of federation.

Yesterday nearly one hundred and thirty delegates of the International Brotherhood of Locomotive Firemen, representing every section of the United States, met in secret session to consider the question of the proposed federation. J. J. Harrigan, vice grand master, thoroughly explained the matter, as did other advocates, after which the convention voted unanimously in favor of federation and appointed a committee to notify the Brotherhood of Locomotive Engineers of the result. The delegates will await the action of the engineers, and it may be that another session will be necessary before a thorough understanding is reached.

Railroads at War

CROOKSTON, Minn., Oct. 28.—The bitter crossing fight between the Duluth, Crookston & Northern and the Manitoba roads, which has been in progress for two days, was brought to a focus yesterday. The Manitoba had engines and heavy trains above and below the proposed crossing, and was evidently determined not to let the other road across. By daylight, however, the Duluth road men had the lines laid to within a few feet of the Manitoba tracks. The forces of the latter road were ordered by Supt. James to prevent a crossing being made. James was immediately arrested and carried off, notwithstanding stout resistance. The Manitoba forces then wrecked an engine and flat cars on the proposed crossing, whereupon the wrecking crew was also arrested. The Duluth officials, after some consultation, decided to await the decision on an injunction.

Another Railroad Combine.

BOSTON, Oct. 28.—The News bureau says the Union Pacific-Northwestern traffic alliance may hasten the consummation of a greater railroad alliance between the Chicago, Burlington & Quincy and Chicago, Burlington & Northern and Manitoba west of Chicago, with the Pennsylvania railroad system east of Chicago.

The "Wonder" Losses.

CHICAGO, Oct. 28.—A forty-seven round prize fight took place yesterday at Hammond, Ind., between Louis Michel, the "Belgian Wonder," and W. J. Nelson, the "colored phenomenon," with four ounce gloves under Queensbury rules. The white man was knocked out in the forty-seventh round after being knocked down six times. He was terribly punished.

Keefe is Dying.

BOSTON, Oct. 28.—Thomas J. Kelly, the friend of John L. Sullivan, who Saturday cut the throat of Thomas Keefe, alias Shea, waived an examination to-day and was held in \$25,000 bail. Keefe is dying.

Poor Old Brooklyn.

BROOKLYN, Oct. 28.—In the eighth world's championship game the score was: New York, 16; Brooklyn, 7. The batteries were: For New York, Crane and Ewing; for Brooklyn, Terry, Foutz and Visner.

Bradlaugh, who has been suffering from congestion of the lungs, has recovered.